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8	Attorneys for Complainant	.,								
9	BEFORE THE BOARD OF REGISTERED NURSING									
10	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA									
11		STATE OF CALIFORNIA								
12	In the Matter of the Accusation Against: Ca	se No. 🏻 🏖	2010-3	387						
	HILDA ANGUIANO RAMIREZ		•							
13	26262 Via California   Capistrano Beach, CA 92624   A	CCUSAT	TION							
14										
15	Registered Nurse License No. 552163		•							
16	Respondent.									
17										
18	Complainant alleges:									
19	PARTIES									
20	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her									
21	official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department									
22	of Consumer Affairs.									
23	2. On or about January 18, 1999, the Board of Registered Nursing issued Registered									
24	Nurse License Number 552163 to Hilda Anguiano Ramirez (Respondent). The Registered Nurse									
25	License was in full force and effect at all times relevant to the charges brought herein and will									
26	expire on January 28, 2011, unless renewed.									
27	///									
28	///									

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### JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

### STATUTORY PROVISIONS

- 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.
  - 6. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (a) Unprofessional conduct, which includes, but is not limited to, the following:
- (1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

# REGULATORY PROVISIONS

7. California Code of Regulations, title 16, section 1442, states:

As used in Section 2761 of the code, "gross negligence" includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life.

### COST RECOVERY

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

## FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

- 9. At all times herein mentioned, Respondent was assigned to work as a registered nurse in the University of California Irvine Medical Center burn intensive care unit (hereinafter UCI Medical Center).
- 10. On or about April 30, 2004, R.H., a 43 year-old male was injured in an automobile accident and suffered second degree burns on his face, right elbow and left knee, as well as sustaining smoke inhalation injuries. He was admitted to UCI Medical Center where intravenous therapies were started in the Emergency Department, and he was transferred to the Burn Intensive Care for further care.
- 11. Respondent was R.H.'s registered nurse in the Burn ICU on the night of admission for a twelve-hour shift from April 30, 2004 through May 1, 2004.
- 12. Respondent placed an intravenous device (IV) in the top of R.H.'s left foot and administered potassium phosphate through this IV, causing a chemical burn that required three skin grafts.
- 13. Respondent was deficient in documenting the condition of the left foot and recognizing that the IV had infiltrated. When an IV infiltrates, the IV fluid penetrates the surrounding tissue.
- 14. As a result of the chemical burn caused by the IV placement and infiltration, R.H. sustained burns and permanent loss of sensation. R.H. underwent three skin grafts and physical therapy.

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15. Respondent is subject to disciplinary action pursuant to Code section 2761(a)(1) on the grounds of unprofessional conduct, in that on the date indicated above, Respondent was guilty of gross negligence in her care of patient R.H. within the meaning of Regulation 1442, as follows: Respondent was grossly negligent in the administration of Potassium Phosphate peripherally. Respondent was grossly negligent in choosing the foot for the administration of Potassium Phosphate and for failing to recognize that the site had infiltrated.

## SECOND CAUSE FOR DISCIPLINE

(Incompetence)

- 16. Complainant incorporates by reference as though fully set forth herein the allegations contained in paragraphs 9 through 15, above.
- 17. Respondent is subject to disciplinary action pursuant to Code section 2761(a)(1) on the grounds of unprofessional conduct, in that on the date indicated above, Respondent was guilty of incompetence in choosing the foot for the administration of Potassium Phosphate and for failing to recognize that the site had infiltrated, as set forth above.

# THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

- 18. Complainant incorporates by reference as though fully set forth herein the allegations contained in paragraphs 9 through 17, above.
- 19. Respondent is subject to disciplinary action pursuant to Code section 2761(a), in that Respondent committed acts constituting unprofessional conduct, as set forth above.

#### **PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse License Number 552163, issued to Hilda Anguiano Ramirez.
- 2. Ordering Hilda Anguiano Ramirez to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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1	3. Taking such other and further action as deemed necessary and proper.								
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3	DATED:	2/16/10		Jour	10 8.	Sail	i Le		
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